

EXHIBIT E

CASREF, ECF

**U.S. District Court  
United States District Court for the Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:09-cv-10192-RMB-KNF**

Xenomies, Inc. v. Sequenom, Inc.  
Assigned to: Judge Richard M. Berman  
Referred to: Magistrate Judge Kevin Nathaniel Fox  
Case in other court: State Court-Supreme, not indicated  
Cause: 28:1332 Diversity-Other Contract

Date Filed: 12/15/2009  
Jury Demand: Plaintiff  
Nature of Suit: 370 Fraud or Truth-In-Lending  
Jurisdiction: Diversity

**Plaintiff**

**Xenomies, Inc.**

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V.

**Defendant**

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Date Filed	#	Docket Text
12/15/2009	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: not indicated. (Filing Fee \$ 350.00, Receipt Number 708409). Document filed by Sequenom, Inc..(laq) (Additional attachment(s) added on 12/16/2009: # <u>1</u> exh.A, # <u>2</u> exh. A part 2) (ama). (Entered: 12/16/2009)
12/15/2009	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sequenom, Inc.(laq) (Entered: 12/16/2009)
12/15/2009		Magistrate Judge Kevin N. Fox is so designated. (laq) (Entered: 12/16/2009)
12/15/2009		Case Designated ECF. (laq) (Entered: 12/16/2009)
12/16/2009	<u>3</u>	CERTIFICATE OF SERVICE of Notice of Removal, Notice of Filing of Notice of Removal, Civil Cover Sheet, Rule 7.1 Disclosure Statement, Electronic Case Filing Rules & Instructions, and Individual Practices of Judge Berman served on Xenomics, Inc. on 12/15/09. Service was made by Mail. Document filed by Sequenom, Inc.. (Krajeck, Katie) (Entered: 12/16/2009)
12/17/2009	<u>4</u>	NOTICE OF APPEARANCE by David Jaroslawicz on behalf of Xenomics, Inc. (Jaroslawicz, David) (Entered: 12/17/2009)
12/17/2009	<u>5</u>	DEMAND for Trial by Jury. Document filed by Xenomics, Inc.(Jaroslawicz, David) (Entered: 12/17/2009)
12/24/2009	<u>6</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Stephen Wieder dated 12/23/09 re: counsel for defendant requests a pre-motion conference. ENDORSEMENT: Plaintiff to respond with a 2-3 pp letter by 12/31/09. Conference scheduled for 1/11/10 at 11 a.m. So Ordered. (Signed by Judge Richard M. Berman on 12/23/09) (dle) Modified on 1/7/2010 (dle). (Entered: 12/28/2009)
01/12/2010	<u>7</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Janet L. Cullum dated 1/12/2010 re: We represent Sequenom in this action and write: (a) to advise the Court of the parties' availability with respect to the rescheduling of the pre-motion conference originally scheduled for this afternoon and (b) pursuant to our conversation yesterday with Your Honor's clerk, Mr. Wilcox, when he telephoned concerning the rescheduling, to set forth in writing the request we intended to make at the pre-motion conference to stay the parties' obligations under Federal Rules of Civil Procedure 16 and 26 pending the conference. ENDORSEMENT: Conference is adjourned to 2/16 at

		at 10:30am. Def's request for a stay of discovery is denied. SO ORDERED. ( Pre-Motion Conference set for 2/16/2010 at 10:30 AM before Judge Richard M. Berman.) (Signed by Judge Richard M. Berman on 1/12/2010) (jmi) (Entered: 01/13/2010)
01/20/2010	<u>8</u>	LETTER addressed to Judge Richard M. Berman from David Jaroslawicz dated 1/12/10 re: We have received a copy of Mr. Wieder's letter to the Court date January 12, 2010. We are available for a conference on any of the three days suggested by the Court: February 16 or 17 at 10:30 or February 22 at 11am. Document filed by Xenomics, Inc.(mro) (Entered: 01/20/2010)
02/16/2010	<u>9</u>	CASE MANAGEMENT PLAN: Amended Pleadings due by 7/12/2010. Joinder of Parties due by 4/16/2010. Motions due by 2/23/2010. Responses due by 3/19/2010; Replies due by 3/26/2010-- "on submission" and page limits apply. All Discovery due by 7/12/2010. Some discussion, principle-to-principle; no resolution. Status of Settlement discussions conference with principals set for 7/12/2010 at 09:00 AM before Judge Richard M. Berman. Refer discovery to Magistrate Judge Fox. (Signed by Judge Richard M. Berman on 2/16/2010) (tro) Modified on 2/17/2010 (tro). (Entered: 02/16/2010)
02/16/2010	<u>10</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Kevin Nathaniel Fox. (Signed by Judge Richard M. Berman on 2/16/10) (djc) (Entered: 02/17/2010)
02/16/2010		Minute Entry for proceedings held before Judge Richard M. Berman: Initial Pretrial Conference held on 2/16/2010. Settlement Conference with principles at 7/12 at 9am. Motion to transfer/Dismiss by 2/23/10; Answer by 3/19/10; Reply by 3/26/10 on submission. (mro) (Entered: 02/24/2010)
02/22/2010	<u>11</u>	MOTION to Dismiss <i>or Stay in Light of Arbitration Agreement, (B) Transfer Venue or (C) Dismiss</i> . Document filed by Sequenom, Inc.. Responses due by 3/19/2010 Return Date set for 3/26/2010 at 10:00 AM.(Cullum, Janet) (Entered: 02/22/2010)
02/22/2010	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Dismiss <i>or Stay in Light of Arbitration Agreement, (B) Transfer Venue or (C) Dismiss</i> .. Document filed by Sequenom, Inc.. (Cullum, Janet) (Entered: 02/22/2010)
02/22/2010	<u>13</u>	DECLARATION of Dereck Tatman in Support re: <u>11</u> MOTION to Dismiss <i>or Stay in Light of Arbitration Agreement, (B) Transfer Venue or (C) Dismiss</i> .. Document filed by Sequenom, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Cullum, Janet) (Entered: 02/22/2010)
02/22/2010	<u>14</u>	DECLARATION of Stephen A. Wieder, Esq. in Support re: <u>11</u> MOTION to Dismiss <i>or Stay in Light of Arbitration Agreement, (B) Transfer Venue or (C) Dismiss</i> .. Document filed by Sequenom, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Cullum, Janet) (Entered: 02/22/2010)
02/22/2010	<u>15</u>	ENDORSED LETTER addressed to Magistrate Judge Kevin Nathaniel Fox from Janet L. Cullum dated 2/19/2010 re: in light of Judge Berman's order

		dated February 16, 2010 referring discovery related matters to Your Honor, it is not clear to whom we should address the request. ENDORSEMENT: It appears from the above, the contemplated request seeks to have the assigned District Judge reconsider a determination he has made. In such a circumstance, the contemplated request for a stay is to be presented to the assigned District Judge. (Signed by Magistrate Judge Kevin Nathaniel Fox on 2/22/2010) (jpo) (Entered: 02/22/2010)
02/23/2010	<u>16</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Janet L. Cullum dated 2/23/10 re: Request that the Court stay discovery pending the resolution of the motion to stay or dismiss in light of the arbitration agreement. ENDORSEMENT: No stay unless it's on consent. SO ORDERED. (Signed by Judge Richard M. Berman on 2/23/10) (db) (Entered: 02/24/2010)
02/24/2010	<u>17</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Janet L. Cullum dated 2/24/10 re: Request that the Court stay discovery pending the resolution of the motion to stay or dismiss in light of the arbitration agreement. ENDORSEMENT: Application respectfully denied (see Order dated 2/23/10). SO ORDERED. (Signed by Judge Richard M. Berman on 2/24/10) (db) (Entered: 02/24/2010)
02/25/2010	<u>18</u>	ORDER: A telephonic conference will be held in the above-captioned action on 2/26/2010, at 11:30 a.m. The telephonic conference shall be initiated by counsel to the plaintiff to (212) 805-6705. (Signed by Magistrate Judge Kevin Nathaniel Fox on 2/25/2010) (tro) (Entered: 02/25/2010)
03/08/2010	<u>19</u>	ENDORSED LETTER addressed to Magistrate Judge Kevin Nathaniel Fox from Janet L. Cullum dated 3/3/10 re: We represent Sequenom, Inc. ("Sequenom") in this action and write in response to Mr. Jaroslawicz's letter to the Court of today's date. ENDORSEMENT: A telephonic conference, initiated by counsel to the plaintiff, will be held on 3/10/10, at 10:30am., (Telephone Conference set for 3/10/2010 at 10:30 AM before Magistrate Judge Kevin Nathaniel Fox.) (Signed by Magistrate Judge Kevin Nathaniel Fox on 3/8/10) (rjm) (Entered: 03/09/2010)
03/10/2010		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox: Discovery Hearing held on 3/10/2010. (mro) (Entered: 03/16/2010)
03/16/2010	<u>20</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Janet L. Cullum dated 3/11/2010 re: Counsel write to correct two highly misleading statements in the letter that counsel for Xenomics submitted in the last hour in connection with the motion for reconsideration. If the Court does not reconsider or modify the stay, counsel respectfully request a stay pending appeal. ENDORSEMENT: Application Granted. (Signed by Judge Richard M. Berman on 3/16/2010) (tro) (Entered: 03/16/2010)
03/17/2010	21	LETTER addressed to Judge Richard M. Berman from Janet L. Cullum dated 3/11/2010 re: Counsel for Defendant ask that the Court reconsider its 2/23/2010 Order denying their request for a stay of discovery pending resolution of the motion under section 3 of the Federal Arbitration Act to dismiss or stay this action. Document filed by Sequenom, Inc.(tro) (Entered: 03/17/2010)
03/17/2010	22	LETTER addressed to Judge Richard M. Berman from David Jaroslawicz dated

3/11/2010 re: Counsel for Plaintiff responds to the defense counsel's letter to the Court dated 3/11/2010. Document filed by Xenomics, Inc.(tro) (Entered: 03/18/2010)

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